

FILED

APR 14 2010

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

GERARDO AGUILAR-RUIZ,

Defendant.

No. ~~ER~~-4-10-70282 MAG

DETENTION ORDER

I. DETENTION ORDER

Defendant Gerardo Aguilar-Ruiz is charged in a one-count criminal complaint with a violation of 8 U.S.C. §1325. The complaint was filed in the Southern District of Texas on March 26, 2010 as *U.S. v. Gerardo Aguilar-Ruiz*, Case No. H-10-239M. Defendant initially appeared before this Court on April 13, 2010, pursuant to Fed. R. Crim. P. 5(c)(3). Defendant knowingly and voluntarily admitted his identity, and requested immediate removal to the charging district. Defendant waived his right to present evidence on the question of whether he should be detained or released for his removal to the Southern District of Texas. After considering the limited information available to the Court, and the factors set forth in 18 U.S.C. § 3142(g), the Court

DETENTION ORDER
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1 detains Mr. Aguilar-Ruiz because the preponderance of the available evidence indicates that Mr.
2 Aguilar-Ruiz poses a serious risk of flight and no condition or combination of conditions in 18
3 U.S.C. § 3142(c) will reasonably assure his appearance in this case. *See* 18 U.S.C. §§ 3142(e)
4 and (f); *United States v. Motamedi*, 767 F.2d 1403, 1406 (9th Cir. 1985). This order is based on
5 the nature of the charge, as well as information contained in the affidavit in support of the
6 complaint.

7 II. CONCLUSION

8 The Court detains Mr. Aguilar-Ruiz. as a serious flight risk. He shall remain committed
9 to the custody of the Attorney General during removal to the Southern District of Texas.

10 IT IS SO ORDERED.

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13 DATED: April 14, 2010


DONNA M. RYU
United States Magistrate Judge